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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 2 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Assessment of Prescribed Interexchange  
Carrier Charges on Public Payphone  
Lines

)  
) 96-262  
)  
) CCB/CPD No. 98-34  
)  
)  
)

**REPLY COMMENTS OF  
ONE CALL COMMUNICATIONS, INC.**

One Call Communications, Inc. d/b/a Opticom ("Opticom"), through its undersigned counsel, hereby files reply comments in the above-captioned proceeding. All non-LEC initial commenters supported Opticom's general position, and Opticom continues to urge the Commission to eliminate the unequal treatment of payphones regarding the assessment of the primary interexchange carrier charge ("PICC charge"). In this reply, Opticom will address two specific issues raised by several of the commenting LECs.

Some commenting LECs argue that application of the multi-line business PICC charge for LEC payphones is correct simply because the multi-line business charge also is assessed on payphone lines for the subscriber line charge ("SLC").<sup>1</sup> Commenters' reliance on an FCC order that they contend "determined" that the multi-line business SLC should apply to payphone lines is misplaced. The cited order actually is unclear regarding the Commission's intent. The Commission simply noted in passing that because LECs were

<sup>1</sup> See, e.g., Comments of the Southern New England Telephone Company at 5, 8 ("SNET Comments"); Comments of Bell Atlantic at 3; Comments of the SBC Companies at 2, 4 ("SBC Comments"); Comments of GTE at 5, 9; Comments of Ameritech at 6, 8-9.

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assessing multi-line business SLCs on independent payphone operators,<sup>2</sup> the same level SLC should apply to LEC payphones in order to avoid discrimination.<sup>3</sup> The Commission did not consider explicitly in that case the issue of whether a multi-line versus single-line business charge would be more appropriate. Opticom agrees that the same charge must be applied to independent and LEC payphones, but the Commission must assess as an initial matter which charge, if any, is properly applied.

Even if the Commission had affirmatively made this determination with respect to the SLC, it does not necessarily follow that a multi-line business charge should be applied in the context of an entirely different charge. Further, the mere fact that some LEC tariffs have defined “multi-line business” based upon the number of lines a payphone operator has within a *state*<sup>4</sup> does not make this definition proper without the Commission’s independent assessment of the issue. For the reasons stated in Opticom’s initial comments, the Commission instead should adopt the single-line business PICC charge if it determines that PICC charges should be assessed at all on payphone lines.

Second, several commenters that advocated assessment of the PICC charge on the 0+ PIC simply asserted that the 0+ PICs carry the majority of payphone traffic.<sup>5</sup> As Opticom stated in its initial comments, however, its random survey of 100 ANIs in the

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<sup>2</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 20541, 20633, *modified*, 11 FCC Rcd 21233 (1996).

<sup>3</sup> *Id.* at 20634; *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 21233, 21324 (1996) (affirming that the same SLC must apply equally to LEC and non-LEC payphone lines, without addressing the appropriate level of the SLC).

<sup>4</sup> SBC Comments at 4.

<sup>5</sup> SBC Comments at 5; Comments of GTE at 8.

Ameritech region indicates precisely the opposite — *i.e.*, that the vast majority of these payphones carried more 1+ than 0+ traffic.<sup>6</sup> Although Opticom's statistics may be reliable for only one region of the country, the LECs' unsupported generalizations are not, at a minimum, universally accurate.

Finally, some of commenting LECs purport to agree that LEC and private payphones should be treated the same, yet they appear to believe that assessing the PICC charge on 1+ PICs for private payphones and 0+ PICs for LEC payphones somehow constitutes equal treatment.<sup>7</sup> The Commission should go beyond this veneer and equalize the actual treatment of these two types of payphones.

Respectfully submitted,

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June 2, 1998

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<sup>6</sup> Comments of One Call Communications, Inc. d/b/a Opticom at 5 & Exhibit A.

<sup>7</sup> SNET Comments at 9; SBC Comments at 5; Comments of BellSouth at 4; Comments of Ameritech at 9-10.

## CERTIFICATE OF SERVICE

I, Kathryn M. Stasko, do hereby certify that the foregoing Reply Comments of One Call Communications, Inc. were delivered, via first class mail, postage prepaid, on this 2nd day of June, 1998, to the following:

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